

**PCT**WORLD INTELLECTUAL PROPERTY ORGANIZATION  
International Bureau

## INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

<b>(51) International Patent Classification <sup>6</sup> :</b> <b>A61K 9/107, 9/127, 9/50</b>	<b>A1</b>	<b>(11) International Publication Number:</b> <b>WO 00/00177</b> <b>(43) International Publication Date:</b> 6 January 2000 (06.01.00)
<b>(21) International Application Number:</b> PCT/GB99/02005 <b>(22) International Filing Date:</b> 25 June 1999 (25.06.99)  <b>(30) Priority Data:</b> 9813906.6                      26 June 1998 (26.06.98)                      GB  <b>(71) Applicant (for all designated States except US):</b> ISIS INNOVATION LIMITED [GB/GB]; 2 South Parks Road, Oxford OX1 3UB (GB).  <b>(72) Inventors; and</b> <b>(75) Inventors/Applicants (for US only):</b> CZERNUSZKA, Jan, Tadeusz [GB/GB]; University of Oxford, Department of Materials, Parks Road, Oxford OX1 3PH (GB). HADDOW, David, Bryan [GB/GB]; 1 Anchor Close, Mudeford, Christchurch, Dorset BH23 4AJ (GB).  <b>(74) Agents:</b> ELLIS-JONES, Patrick, George, Armine et al.; J.A. Kemp & Co., 14 South Square, Gray's Inn, London WC1R 5LX (GB).		<b>(81) Designated States:</b> JP, US, European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE).  <b>Published</b> <i>With international search report.</i>
<b>(54) Title:</b> CALCIUM PHOSPHATE COATED VESICLES		
<b>(57) Abstract</b>  A vesicle comprising: a) an inner layer which comprises a phospholipid, and b) an outer layer which comprises calcium phosphate.		

**FOR THE PURPOSES OF INFORMATION ONLY**

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# INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/02005

<b>A. CLASSIFICATION OF SUBJECT MATTER</b> IPC 6 A61K9/107 A61K9/127 A61K9/50		
According to International Patent Classification (IPC) or to both national classification and IPC		
<b>B. FIELDS SEARCHED</b> Minimum documentation searched (classification system followed by classification symbols) IPC 6 A61K		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used)		
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	CHEMICAL ABSTRACTS, vol. 128, no. 4, 26 January 1998 (1998-01-26) Columbus, Ohio, US; abstract no. 39477, MESSERSMITH, PHILLIP B. ET AL: "Preparation of Calcium - Loaded Liposomes and Their Use in Calcium Phosphate Formation" XP002117645 abstract & CHEM. MATER. (1998), 10(1), 109-116 , 1998,	1-33
<input type="checkbox"/> Further documents are listed in the continuation of box C. <input type="checkbox"/> Patent family members are listed in annex.		
* Special categories of cited documents :		
<div style="display: flex; justify-content: space-between;"> <div> <p>"A" document defining the general state of the art which is not considered to be of particular relevance</p> <p>"E" earlier document but published on or after the international filing date</p> <p>"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>"O" document referring to an oral disclosure, use, exhibition or other means</p> <p>"P" document published prior to the international filing date but later than the priority date claimed</p> </div> <div> <p>"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p>"&amp;" document member of the same patent family</p> </div> </div>		
Date of the actual completion of the international search  <b>5 October 1999</b>		Date of mailing of the international search report  <b>18/10/1999</b>
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016		Authorized officer  <b>Ventura Amat, A</b>

# PATENT COOPERATION TREATY

**BEST AVAILABLE COPY**

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ARG

From the INTERNATIONAL BUREAU

## NOTICE INFORMING THE APPLICANT OF THE COMMUNICATION OF THE INTERNATIONAL APPLICATION TO THE DESIGNATED OFFICES

(PCT Rule 47.1(c), first sentence)

To:

ELLIS-JONES, Patrick, George,  
Armire  
J.A. Kemp & Co.  
14 South Square  
Gray's Inn  
London WC1R 5LX  
ROYAUME-UNI

**J. A. KEMP & Co**

**REC'D 14 JAN 2000**

Action by: .....

Date of mailing (day/month/year) 06 January 2000 (06.01.00)		
Applicant's or agent's file reference N:74717A PEJ		IMPORTANT NOTICE
International application No. PCT/GB99/02005	International filing date (day/month/year) 25 June 1999 (25.06.99)	Priority date (day/month/year) 26 June 1998 (26.06.98)
Applicant ISIS INNOVATION LIMITED et al		

1. Notice is hereby given that the International Bureau has communicated, as provided in Article 20, the international application to the following designated Offices on the date indicated above as the date of mailing of this Notice:  
EP, JP, US

In accordance with Rule 47.1(c), third sentence, those Offices will accept the present Notice as conclusive evidence that the communication of the international application has duly taken place on the date of mailing indicated above and no copy of the international application is required to be furnished by the applicant to the designated Office(s).

2. The following designated Offices have waived the requirement for such a communication at this time:  
None

The communication will be made to those Offices only upon their request. Furthermore, those Offices do not require the applicant to furnish a copy of the international application (Rule 49.1(a-bis)).

3. Enclosed with this Notice is a copy of the international application as published by the International Bureau on 06 January 2000 (06.01.00) under No. WO 00/00177

### REMINDER REGARDING CHAPTER II (Article 31(2)(a) and Rule 54.2)

If the applicant wishes to postpone entry into the national phase until 30 months (or later in some Offices) from the priority date, a demand for international preliminary examination must be filed with the competent International Preliminary Examining Authority before the expiration of 19 months from the priority date.

It is the applicant's sole responsibility to monitor the 19-month time limit.

Note that only an applicant who is a national or resident of a PCT Contracting State which is bound by Chapter II has the right to file a demand for international preliminary examination.

### REMINDER REGARDING ENTRY INTO THE NATIONAL PHASE (Article 22 or 39(1))

If the applicant wishes to proceed with the international application in the national phase, he must, within 20 months or 30 months, or later in some Offices, perform the acts referred to therein before each designated or elected Office.

For further important information on the time limits and acts to be performed for entering the national phase, see the Annex to Form PCT/IB/301 (Notification of Receipt of Record Copy) and Volume II of the PCT Applicant's Guide.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer J. Zahra
Facsimile No. (41-22) 740.14.35	Telephone No. (41-22) 338.83.38

## PATENT COOPERATION TREATY

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## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents  
United States Patent and Trademark  
Office  
Box PCT  
Washington, D.C. 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

<b>Date of mailing (day/month/year)</b> 16 February 2000 (16.02.00)	
<b>International application No.</b> PCT/GB99/02005	<b>Applicant's or agent's file reference</b> N.74717A PEJ
<b>International filing date (day/month/year)</b> 25 June 1999 (25.06.99)	<b>Priority date (day/month/year)</b> 26 June 1998 (26.06.98)
<b>Applicant</b> CZERNUSZKA, Jan, Tadeusz et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

20 January 2000 (20.01.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

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<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer</p> <p>S. Mafla</p> <p>Telephone No.: (41-22) 338.83.38</p>
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## PATENT COOPERATION TREATY

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NOTIFICATION OF THE RECORDING  
OF A CHANGE(PCT Rule 92bis.1 and  
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

ELLIS-JONES, Patrick, George,  
Armine  
J.A. Kemp & Co.  
14 South Square  
Gray's Inn  
London WC1R 5LX  
ROYAUME-UNI

Date of mailing (day/month/year) 22 May 2000 (22.05.00)	<b>IMPORTANT NOTIFICATION</b>  International filing date (day/month/year) 25 June 1999 (25.06.99)
Applicant's or agent's file reference N.74717A PEJ	
International application No. PCT/GB99/02005	

1. The following indications appeared on record concerning: <input checked="" type="checkbox"/> the applicant <input type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative									
Name and Address ISIS INNOVATION LIMITED 2 South Parks Road Oxford OX1 3UB United Kingdom	<table border="1"> <tr> <td>State of Nationality GB</td> <td>State of Residence GB</td> </tr> <tr> <td colspan="2">Telephone No.</td> </tr> <tr> <td colspan="2">Facsimile No.</td> </tr> <tr> <td colspan="2">Teleprinter No.</td> </tr> </table>	State of Nationality GB	State of Residence GB	Telephone No.		Facsimile No.		Teleprinter No.	
State of Nationality GB	State of Residence GB								
Telephone No.									
Facsimile No.									
Teleprinter No.									
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence									
Name and Address ISIS INNOVATION LIMITED Ewert House Ewert Place Summertown Oxford OX2 7BZ United Kingdom	<table border="1"> <tr> <td>State of Nationality GB</td> <td>State of Residence GB</td> </tr> <tr> <td colspan="2">Telephone No.</td> </tr> <tr> <td colspan="2">Facsimile No.</td> </tr> <tr> <td colspan="2">Teleprinter No.</td> </tr> </table>	State of Nationality GB	State of Residence GB	Telephone No.		Facsimile No.		Teleprinter No.	
State of Nationality GB	State of Residence GB								
Telephone No.									
Facsimile No.									
Teleprinter No.									
3. Further observations, if necessary:									
4. A copy of this notification has been sent to: <table border="0"> <tr> <td><input checked="" type="checkbox"/> the receiving Office</td> <td><input type="checkbox"/> the designated Offices concerned</td> </tr> <tr> <td><input type="checkbox"/> the International Searching Authority</td> <td><input checked="" type="checkbox"/> the elected Offices concerned</td> </tr> <tr> <td><input type="checkbox"/> the International Preliminary Examining Authority</td> <td><input type="checkbox"/> other:</td> </tr> </table>		<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned	<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned								
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned								
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No.: (41-22) 740.14.35	Authorized officer  H. Zhou  Telephone No.: (41-22) 338.83.38
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## PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>N.74717A PEJ</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/GB 99/ 02005</b>	International filing date (day/month/year) <b>25/06/1999</b>	(Earliest) Priority Date (day/month/year) <b>26/06/1998</b>
Applicant <b>ISIS INNOVATION LIMITED et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 2 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established by this Authority to read as follows:

**CALCIUM PHOSPHATE COATED VESICLES**

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.

# PATENT COOPERATION TREATY

# PCT

REC'D 30 MAR 2000

WIPO

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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference N.74717A PEJ		<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB99/02005	International filing date (day/month/year) 25/06/1999	Priority date (day/month/year) 26/06/1998
International Patent Classification (IPC) or national classification and IPC A61K9/107		
Applicant ISIS INNOVATION LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 4 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  20/01/2000	Date of completion of this report  27.03.2000
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Lindner, A  Telephone No. +49 89 2399 8640





**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB99/02005

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-10 as originally filed

**Claims, No.:**

1-33 as originally filed

**Drawings, sheets:**

1/2-2/2 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB99/02005

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims 1-33
	No: Claims
Inventive step (IS)	Yes: Claims 1-33
	No: Claims
Industrial applicability (IA)	Yes: Claims 1-32
	No: Claims

**2. Citations and explanations**

**see separate sheet**

**Re It m V**

**Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following document:

D1 = CHEM. MATERIAL, 1998, 10(1), 109-116: MESSERSMITH, PHILIPP B. ET AL: "Preparation of Calcium - Loaded Liposomes and Their Use in Calcium Phosphate Formation"

2. D1 relates to liposomes wherein Ca ions are encapsulated. Calcium phosphate formation only occurs after dissolution of the liposomal membrane. D1 does therefore not relate to vesicles or hydrophobic droplets comprising an outer layer comprising calcium phosphate. As a consequence, the presently claimed subject-matter is novel (article 33(2) PCT).
3. The subject-matter as presently claimed involves an inventive step (article 33(3) PCT), as the suitability of said vesicle or hydrophobic droplets for treating bone disorders is not evident in the light of the available prior art.
4. For the assessment of the present claim 33 on the question whether it is industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.